

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TECHNOLOGY PROPERTIES LIMITED, INC.,)
)
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Plaintiff,)
)
)
v.) Civil Action No. 2:05-cv-00494-TJW
)
)
FUJITSU LIMITED,)
)
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Defendants.)
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**UNOPPOSED MOTION TO DISMISS NEC AMERICA, INC. AND TO SUBSTITUTE
NEC CORPORATION OF AMERICA FOR NEC SOLUTIONS (AMERICA), INC.**

Defendants NEC America, Inc. and NEC Solutions (America), Inc. hereby move to dismiss without prejudice NEC America, Inc. as a defendant in this action and to substitute NEC Corporation of America for NEC Solutions (America), Inc. as a defendant as a result of some corporate reorganizations. Plaintiff Technology Properties Limited, Inc. (“TPL”) does not oppose this Motion.

The grounds for this Unopposed Motion are as follows:

1. When this action was originally filed, six NEC defendants were named. Two of these six NEC defendants were NEC America, Inc. and NEC Solutions (America), Inc.
2. Effective July 1, 2006, NEC Solutions (America), Inc. changed its corporate name to NEC Corporation of America. *See Exhibit A.*

3. Also effective July 1, 2006, NEC America, Inc. was merged with, and into, the corporation formerly known as NEC Solutions (America), Inc., now known as NEC Corporation of America. *See Exhibit B.*

4. TPL's counsel has requested, and counsel for NEC America, Inc. has agreed, that the dismissal of NEC America, Inc. be without prejudice. The parties also agree that the dismissal of NEC America, Inc. shall not count toward the two-dismissal rule of Rule 41(a) of the Federal Rules of Civil Procedure.

Accordingly, because NEC America, Inc. no longer exists, it should be dismissed from this action, and because NEC Solutions (America), Inc. has changed its corporate name to NEC Corporation of America, NEC Corporation of America should be substituted as a defendant for the company previously known as NEC Solutions (America), Inc.

A proposed Order to this effect is being submitted with this Unopposed Motion.

Dated: Sept. 5, 2006

Respectfully submitted,

/s/ Anthony H. Son

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NEC Electronics America, Inc., NEC America,
Inc., NEC Display Solutions of America, Inc.,
NEC Solutions (America), Inc., and NEC
Unified Solutions, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on Sept. 5, 2006, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing instrument via the Court's CM/ECF filing system.

/s/ Anthony H. Son
Anthony H. Son